

Amendment and Response

Applicant: Luis Elenes

Serial No.: 10/726,808

Filed: December 2, 2003

Docket No.: 200309860-1

Title: PROCESSING SHEET MEDIA

REMARKS

With this Amendment and Response, claims 29-34 have been added, and claims 1, 13, and 28 have been amended.

Claims 1, 3-6, 13, 17-20, 24, and 28-34, therefore, remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 1, 3-5, 13, 17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tokunaga US patent No. 7,243,914.

Claims 1, 3-5, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudo JP 06064814.

Claims 13, 17, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato US Patent No. 6,666,448.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo JP 06064814 in view of Nicol US Patent No. 3,704,793.

Claims 6, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga US Patent No. 7,243,914.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicol US Patent No. 3,704,793 in view of Sato US Patent No. 6,666,448.

With this Amendment and Response, independent claim 1 has been amended to clarify **"wherein the finger has a distal tip that is spaced farthest from the body and a proximal portion disposed adjacent the body,"** and clarify **"wherein the proximal portion of the finger includes a thinned region defined by a recessed portion disposed on a side of the finger."**

With this Amendment and Response, independent claim 13 has been amended to clarify **"wherein the at least one resilient finger includes a thinned region defined by a recessed portion disposed on a side of the at least one resilient finger at which the at least one resilient finger bends selectively in response to the contact with the face of the sheet medium."**

With this Amendment and Response, independent claim 28 has been amended to clarify **"wherein the finger has a distal tip that is spaced farthest from the axis of**

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rotation and a proximal portion spaced closest to the axis of rotation," and clarify "wherein the proximal portion of the finger includes a thinned region defined by a recessed portion disposed on a side of the finger."

With respect to the cited references, Applicant submits that these references, individually or in combination, do not disclose a method of processing sheet media as claimed in independent claim 1, do not disclose a media processing apparatus as claimed in independent claim 13, and do not disclose a method of processing sheet media as claimed in independent claim 28, with a finger having a proximal portion including a thinned region defined by a recessed portion disposed on a side of the finger.

In view of the above, Applicant submits that independent claims 1, 13, and 28, and the dependent claims depending therefrom, are each patentably distinct from the cited references and, therefore, are each in a condition for allowance. Applicant, therefore, respectfully requests that the rejections under 35 U.S.C. 102 and 35 U.S.C. 103 be reconsidered and withdrawn, and that claims 1, 3-6, 13, 17-20, 24, and 28-34 be allowed.

Allowable Subject Matter

Claim 24 is allowed. Applicant appreciates the indicated allowance of these claims.

Applicant agrees with the Examiner's conclusions regarding patentability without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, Applicant submits that the above-identified claims are allowable because the prior art fails to teach, anticipate or render obvious the invention as claimed, independent of how the invention is paraphrased.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1, 3-6, 13, 17-20, 24, and 28-34 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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Date: JUNE 4, 2008

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